

Message Text

SECRET

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ACTION SS-30

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O 261000Z JUN 74

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC IMMEDIATE 8431

INFO WHITE HOUSE IMMEDIATE

AMEMBASSY BRUSSELS IMMEDIATE

AMEMBASSY CAIRO PRIORITY

AMEMBASSY BEIRUT PRIORITY

S E C R E T SECTION 1 OF 2 KHARTOUM 1538

EXDIS

WHITE HOUSE PLEASE PASS SAM 86976

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: NIMEIRI SEEKS EXPLAIN GOS RELEASE BSO TERRORISTS

REF: KHARTOUM 1520 AND 1522; SECTO 1 SEC KISSINGER 251345Z JUN

1. SUMMARY. SECRETARY'S INSTRUCTIONS (SECTO 1) CONVEYED TO NIMEIRI JUNE 26. IN HOUR-LONG DISCUSSION, NIMEIRI ENDEAVORED EXPLAIN REASONS BEHIND HIS DECISION, NOTING NO OTHER COUNTRY HAD HELD PALESTINIANS FOR SO LONG NOR CONVICTED THEM OF MURDER. I RESPONDED WE WELL AWARE SPECIAL PRESSURES IN THIS CASE AND HAD ADMIRE GOS FIRM AND JUDICIAL STANCE. BUT ONE ACTION APPEARED NOW TO HAVE UNDONE EVERYTHING THAT HAD BEEN DONE. NIMEIRI SAID FONMIN WOULD BE SENDING PERSONAL MESSAGE SECRETARY AND FONMINISTERS OTHER FRIENDLY STATES TO EXPLAIN GOS ACTION. END SUMMARY.

2. I WAS RECEIVED BY PRESIDENT NIEIRI FOR CANDID HOU-LONG DISCUSSION JUNE 26. FONMIN KHALID WAS PRESENT TO INTEPRET. I BEGAN BY RECALLING THAT MY LAST MEETING WITH NIMEIRI IN APRIL HAD BEEN ON EVE MY RETURN FOR ROUTINE CONSULTATIONS CONNECTED WITH USG ASSISTANCE TO SUDAN. I HAD FOUND VERY FAVORABLE ATMOSPHERE. MORE

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RECENTLY PRESIDENT AND SECRETARY HAD CONTINUED THEIR MAJOR EFFORTS

IN DIRECTION REGIONAL PEACE. SECRETARY HAD TOLD HOUSE FOREIGN AFFAIRS COMMITTEE JUNE 4 THAT IT NOW POSSIBLE ENVISAGE PEACE SUSTAINED BY GROWING REALIZATION THAT ALL NATIONS HAVE STAKE IN STABILITY WHIT INSURED BY ACTIONS BASED ON SENSE OF JUSTICE AND MODERATION. SECRETARY HAD ALSO REITERATED STRONG USG OPPOSITION TO TERRORISM JUNE 6, STRESSING IMPOSSIBILITY ERADICATION "UNLESS GOVERNMENTS IN WHOSE JURISDICTION TERRORISM TAKES PLACE PREPARED TO TAKE APPROPRIATE MEASURES".

3. IT WAS AGAINST THIS BACKGROUND THAT RELEASE TERRORISTS HAD OCCURRED. I HAD ACCORDINGLY BEEN REQUESTED SEEK IMMEDIATE APPOINTMENT WITH NIMEIRI UNDER INSTRUCTIONS OF USG. I THEN WENT OVER WITH HIM IN DETAIL PARA 2, SECTO 1, ADDITNG THAT I WAS BEING CALLED BACK TO WASHINGTON FOR CONSULTATIONS (TOSEC 3). I THEN HANDED PRESIDENT COPIES ACTING SECRETARY SISCO'S PRESS STATEMENT (STATE 136126).

4. NIMEIRI EXPRESSED APPRECIATION FOR MY CALL PRIOR RETURN WASHINGTON SO THAT HE COULD BRIEF ME REGARDING REASONS BEHIND HIS DECISION. FONMIN HAD TOLD HIM OF OUR CONVERSATION (KHARTOUM 1522) AT MIDNIGHT AND NIMEIRI HAD THEREUPON DECIDED CANCEL PORTION HIS JUNE 26 PROGRAM IN WAD MEDANI IN ORDER RECEIVE ME.

5. NIMEIRI CONTINUED THAT HE FELT DEPT STATEMENT SHOWED INSUFFICIENT UNDERSTANDING PARTICULAR NATURE SUDANESE JUDICIAL OPERATION. HE WORE THREE THATS--CHIEF EXECUTIVE; POLITICAL LEADER OF SSU SINGLE PARY; AND AS INDIVIDUAL RESPONSIBLE FOR "CO-OPERATION" WITH HIGH COURT IN SUPERVISING JUDICIAL WORK OF SUDAN ON MAJOR CASES. AS CHIEF EXECUTIVE, HE HAD MADE CLEAR GOS WOULD TAKE NECESSARY ACTION AGAINST THOSE RESPONSIBLE KHARTOUM TRAGEDY. THEY HAD BEEN KEPT IN JAIN FOR 16 MONTHS DESPITE "IMPORTANT PRESSURES" TO CONTRARY. AS "CUSTODIAN" SUDANESE JUSTICE, HE HAD ASSURED THERE HAD BEEN NO INTERFERENCE IN JUDICIAL PROCESS. ARAB NATIONALIST LAWYERS FROM ABROAD HAD BEEN REFUSED VISAS TO OBSERVE CASE. HE HAD NEVER EXERCISED HIS PREROGATIVES AS "POLITICAL LEADER" UNTIL HIGH COURT HAD SPECIFICALLY REQUESTED HIM LIMIT SENTENCES FOR SPECIAL CIRCUMSTANCES.

6. NIMEIRI CONTINUED THAT EVALUATION OF WHAT DID CONSTITUTE SECRET

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APPROPRIATE SENTENCES IN CIRCUMSANCES WOULD BE DIFFICULT FOR ANYONE WHO DID NOT HAVE HIS RESPONSIBILITY TO MAKE THE DECISION. OUTSIDERS KNEW SITUATION LESS WELL THAN HE AND COULD NOT QUESTION THAT HIS JUDGMENT HAD NOT BEEN RIGHT. AS TO HANDLING INDIVIDUALS OVER TO PLO, NIMEIRI CLAIMED POSSESS "ENOUGH" EVIDENCE THAT, HAD THIS NOT BEEN DONE, PALESTINIANS WOULD HAVE COMMITTED AGGRESSIVE ACTS INVOLVING PERSONS AND PROPERTY OF USDAN, USG AND SAUDI ARABIA. HE ALSO CLAIMED HAVE EVIDENCE THAT PLO

LEADERSHIP HAD BEEN UNHAPPY AT KHARTOUM TRAGEDY AND THAT ARAFAT HIMSELF WAS ANXIOUS INVESTIGATE. WHAT HAPPENED MRNYT WELL BE PART OF INTERNAL FUED WITH PALESTINIAN LEADERSHIP, AND EIGHT INDIVIDUALS WOULD BE CAREFULLY INVESTIGATED ON THIS SCORE. NIMEIRI ALSO NOTED GOS POSITION THAT PLO SHOULD BE REGARDED AS "GOVERNMENT" WITH ITS LEADER TRATED AS "CHIEF OF STATE". THIS HAD BEEN EFFECT OR RABAT SUMMIT DECISION.

7. CITING SUDANESE EMOTIONAL INVOLVEMENT IN PALESTINIAN ISSUE, NIMEIRI THEN RECALLED THAT OTHER GOVERNMENTS LESS SENSITIVELY PLACED HAD HANDED OVER PALESTINIANS AFTER LESS DETENTION OR JUDICIAL ACTION THAN HAD SUDANESE. MOREDVER, POLITICAL CIRCUMSANCES SURROUNDING THE SITUATION, NOTABLY IMPROVED CHANCES FOR MIDEAST PEACE AND PARTICIPATION THEREIN BY PALESTINIANS, RENDERED IT DESIRABLE RELEASE CONVICTED MEN DESPITE EMOTION WHICH IT WAS RECOGNIZED WOULD BE CAUSED IN US. NIMEIRI STRESSED LATE AMBASSADOR NOEL AND DCM MOORE WERE FRIENDS AND THAT HE SHARED AMERICAN SADNESS AT THEIR LOSS. HOWEVER, IT WAS NECESSARY FACE "POLITICAL FACTS OF LIFE" THIS CONNECTION, NIMEIRI REITERATED THAT SUDAN HAD WITHSTOOD ALL PRESSURES FOR SIXTEEN MONTHS. HE REQUESTED ME MAKE CLEAR THAT DECISION WAS NOT TAKEN LIGHTLY. HE WAS INSTRUCTION GONMIN KHALID SEND PERSONAL MESSAGE TO SECRETARY EXPLAINING RATIONALE GOS ACTION AND OTHER FRIENDLY GOVERNMENTS WOULD RECEIVE SIMILAR MESSAGE. THESE WOULD MAKE CLEAR GOS CONDEMNS CRIME WHICH WAS COMMITTED AND DOES NOT WISH IT REPEATED BUT WILL ALSO EXAMINE POLITICAL CIRCUMSANCES SURROUNDING TRAGEDY.

8. IN CONCLUSION, NIMEIRI NOTED NEITHER AMERICANS NOR SUDANESE GUIDED BY VINDICTIVENESS. HE DEEPLY SYMPATHETIC WITH FAMILIES OF VICTIMS, UNDERSTOOD LATE DCM'S DAUGHTER'S STILL KHARTOUM AND PLANNED ASK HER CALL TO CONVEY HIS SYMPATHY (COMMENT: SHE IN FACT LEFT COUNTRY IN MID-MAY. END COMMENT).

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9. CONTINUING HIS EXPLANATION, NIMEIRI RECALLED HIS REGIME SUBJECT CONTINUED PLOTTING. ONLY RECENTLY THERE HAD BEEN REPORTS FOR SEPARATE PLOTS AGAINST HIS LIFE, BOTH INSIDE AND OUTSIDE SUDAN. LIBYANS AND IRAQIS WERE BEHIND THESE MACHINATIONS. ONE ARGUMENT THEY USED HAD BEEN CONTINUED SUDANESE DETENTION TERRORISTS. NIMEIRI AWARE THAT BOTH PALESTINIAN AND ELF EXTREMISTS BEING USED BY LIBYANS AND IRAQIS BUT "OF COURSE WE ARE NOT GOING TO BE FRIGHTENED".

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ACTION SS-30

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FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC IMMEDIATE 8432

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AMEMBASSY CAIRO PRIORITY

AMEMBASSY BEIRUT PRIORITY

S E C R E T SECTION 2 OF 2 KHARTOUM 1538

EXDIS

10. FINALLY, NIMEIRI SAID FONMIN KHALID HAD REPORTED TO HIM
MY DEEP CONCERN AT MANNER IN WHICH WE HAD LEARNED OF GOS ACTION.
HE WISHED ASSURE ME THIS REPRESENTED NO LACK GOOD WILL. DECISION
HAD BEEN TAKEN AFTER NORMAL WORKING HOURS BY HIMSELF IN
CONJUNCTION CHIEF JUSTICE AND MEMBERS HIGH COURT. IT HAD BEEN
CONVEYED TO MINISTERS RESPONSIBLE FOR SECURITY. AFTER ACTION
TAKEN, OTHER MINISTERS, INCLUDING FONMIN, HAD BEEN BRIEFED.
WHOLE EXERCISE COMPLETE BY 5 PM (I.E. FROM APPROXIMATELY
1:30 TO 5:00 PM, JUNE 24). VP RPT VP BAGHIR HAD NOT LEARNED OF
ACTION UNTIL LATE JUNE 24 AND SOME MINISTERS UNINFORMED UNTIL
NEXT DAY.

11. I REPLIED WE HAD UNDERSTOOD FROM BEGINNING SPECIAL PRESSURES
SUDANESE FACED IN THIS CASE. WE HAD BEEN
CAREFUL AVOID APPEARING INTERVENE IN SUDANESE INTERNAL MATTER,
REPOSING FULL FAITH AND CREDIT IN REPEATED GOS ASSURANCES THAT
JUSTICE WOULD BE DONE. WE HAD ADMIRED FIRM AND JUDICIAL
STANCE ADOPTED BY GOS UNTIL RECENTLY. THIS POSITIVE
PICTURE HAD, HOWEVER, BEEN UNDONE BY A SUBSEQUENT ACTION
WHICH AMERICAN PEOPLE WOULD SIMPLY NOT UNDERSTAND. WHILE
HE HAD FULLY EXPLAINED REASONS WHICH IN HIS VIEW MADE
GOS RELEASE V ACTION NECESSARY, I WISHED MAKE CLEAR THAT WE
WOULD NOW HAVE TO CONSIDER SITUATION THUS CREATED. THIS
WOULD NECESSARILY BE BASED ON SOMEWHAT DIFFERENT CONSIDERA-
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TIONS. I THEN ASKED NIMEIRI WHETHER THERE WAS HIGH COURT REQUIREMENT THAT MATTER BE REFERRED TO HIM WHICH DID NOT REPEAT NOT INVOLVE CAPITAL PUNISHMENT. NIMEIRI RESPONDED THAT HIGH COURT REGULARLY REFERS SUCH CASES TO HIM AND SHOWED ME FILE OF SIMILAR CASES ON WHICH HE HAD JUST ACTED, INDICATING THIS PURSUANT SECTION 65 PENAL CODE (COMMENT. RELEVANT SECTION STATES CABINET MAY MAKE REGULATIONS FOR ORDERING OF PRISONS IN SUDAN AND CLASSIFICATION AND ACCOMMODATION OF PRISONERS. END COMMENT).

12. IN CONCLUSIO., NIMEIRI SAID HE FULLY UNDERSTOOD EMOTIONS ACTUATING AMERICAN PUBLIC OPINION IN THIS CASE, BUT REPEATED HE HAD ALSO SUDANESE AND ARAB OPINION TO CONSIDER. THIS CONNECTION, HE CITED BEIRUT PRESS AND CAIRO PLO REPORTS CRITICAL OF LIFE SENTENCES. HE THEN ASKED WHETHER I BEING RECALLED FOR CONSULTATIONS OR RECALLED IN THE DIPLOMATIC SENSE. I SAID I WAS BEING RECALLED FOR SPECIAL DISCUSSIONS IN CONNECTION PROBLEM WHICH HAD ARISEN. THIS WAS TO BE SHARPLY DISTINGUISHED FROM NORMAL CONSULTATIONS I HAD HAD MONTH AGO. NIMEIRI SMILED AND SAID HE HOPED I WOULD BE BACK SOON. I REPLIED "NSHALLAH" (GOD WILLING).

1. COMMENT. WHILE NIMEIRI COMES THROUGH AS LESS DEVIOUS AND COMPLEX INDIVIDUAL THAN FONMIN KHALID, HIS EFFORTS PUT BEST FACE ON GOS ACTION CLEARLY DO NOT MEET CASE. MOREOVER, IT OBVIOUS BASIC DECISION RELEASE MEN AKEN PRIOR END JUDICIAL PROCESS, EVEN THOUGH EXECUTION HASTY AND JEGELSDDBHWACT NIMEIRI RECEIVED ME AND SPOKE AT SUCH LENGTH DOES MAKE CLEAR HE HAS GOT MESSAGE THAT USG DEEPLY DISTURBED RE ACTION TAKEN AND THAT DAMAGE LIMITING MOVES ON PART GOS CLEARLY REQUIRED. I HAVE INSTRUCTED STAFF ADOPT "CORRECT" POSTURE DURNG MY ABSENCE AND SUSPEND FURTHER PROGRESS ON SUBSTANTIVE COOPERATION WITH SUDANESE PENDING WASHINGTON REVIEW.

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